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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/756,555  | 01/13/2004  | Paul C. Belvedere    | 33233.3             | 2676             |
| 32300   | 7590        | 04/04/2006           | EXAMINER            |                  |
| BRIGGS AND MORGAN P.A.<br>2200 IDS CENTER<br>80 SOUTH 8TH ST<br>MINNEAPOLIS, MN 55402 |             |                      | SAADAT, CAMERON     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3715                |                  |

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                               |                                    |  |
|------------------------------|-------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/756,555 | Applicant(s)<br>BELVEDERE, PAUL C. |  |
|                              | Examiner<br>Cameron Saadat    | Art Unit<br>3715                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayka et al. (USPN 5,688,118; hereinafter Hayka) in view of Hon (USPN 4,360,345).**

Regarding claim 1, Hayka discloses a personal dental education kit for teaching new and advanced dental preparation and restorative procedures, comprising: audiovisual demonstration materials showing an actual dentition problem, procedures for preparation of the dentition, and procedures for the dentition restoration; a dental model of the problem dentition for the preparation and restorative procedures; a dental filling material for the restorative procedure on the prepared dentition; and dental instruments for placement, control and shaping of the dental filling material in the restorative procedure (See Col. 12, lines 10-30, 63-64). Hayka discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a hard copy of printed instructions. However, Hon teaches an interactive medical education kit for teaching medical procedures, comprising printer 20, utilized to print out instructions. Thus, in view of Hon, it would have been obvious to one of ordinary skill in the art

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to modify the demonstration materials described in Hayka, by providing the demonstration materials in the form of hard copy printed instructions in order provide instructions or further information for a student (See Hon, Col. 7, lines 57-63).

Regarding claim 2, Hayka discloses an apparatus further comprising a self-evaluation test (Col. 13, lines 5-7). Hayka does not specifically disclose that the test is for fulfilling licensure and academic standing. However, the examiner takes official notice that the feature of providing a test for the purpose of certification is old and well known, and would have been obvious to an artisan to provide a test for the purpose of certification in order to enforce minimum standards required in medical procedures. Furthermore, it is the examiner's position that the claimed feature "for fulfilling licensure and academic standing" is a recitation of intended use.

Regarding claims 3 and 7, Hayka discloses an apparatus wherein the audiovisual demonstration materials are pictures, illustrations and audio (Col. 12, lines 10-17, 63-65)

Regarding claims 4 and 8, Hayka discloses an apparatus further comprising a second model of prepared dentition (Col. 12, lines 10-30).

Regarding claims 5 and 9, Hayka discloses an apparatus, further comprising a third model of restored dentition. (Col. 12, lines 10-30).

Regarding claim 6, Hayka discloses a personal dental education kit for teaching new and advanced dental preparation and restorative procedures, comprising: audiovisual demonstration materials showing an actual dentition problem, procedures for preparation of the dentition, and procedures for the dentition restoration; a dental model of the problem dentition for the preparation and restorative procedures; a dental filling material for the restorative procedure on the prepared dentition; and dental instruments for placement, control and shaping of the dental filling material in the restorative procedure

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(See Col. 12, lines 10-30, 63-64). Hayka discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a hard copy of printed instructions. However, Hon teaches an interactive medical education kit for teaching medical procedures, comprising printer 20, utilized to print out instructions. Thus, in view of Hon, it would have been obvious to one of ordinary skill in the art to modify the demonstration materials described in Hayka, by providing the demonstration materials in the form of hard copy printed instructions in order provide instructions or further information for a student (See Hon, Col. 7, lines 57-63). In addition, Hayka discloses an apparatus further comprising a self-evaluation test (Col. 13, lines 5-7). Hayka does not specifically disclose that the test is for fulfilling licensure and academic standing. However, the examiner takes official notice that the feature of providing a test for the purpose of certification is old and well known, and would have been obvious to an artisan to provide a test for the purpose of certification in order to enforce minimum standards required in medical procedures. Furthermore, it is the examiner's position that the claimed feature "for fulfilling licensure and academic standing" is a recitation of intended use.

Regarding claim 10, Hayka discloses a method for personal dental education for teaching new and advanced dental preparation and restorative procedures with a kit, audiovisual demonstration materials, a dental model, a dental filling material, dental instruments and a self-evaluation test, the method comprising: reviewing instructions; intermittently watching the audiovisual materials in steps; performing the preparation procedure step on the dental model; performing the restoration procedure step on the prepared dental model; and taking the self-evaluation test. (See Col. 12, lines 10-30, 63-64; Col. 12, line 61 – Col. 13, line 15). Hayka discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a hard copy of printed instructions. However, Hon teaches an interactive medical education kit for teaching medical procedures, comprising printer 20, utilized to print out instructions. Thus, in view of Hon, it would have been obvious to one of ordinary skill in the art to modify the demonstration materials described in Hayka, by providing the demonstration materials in

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the form of hard copy printed instructions in order provide instructions or further information for a student (See Hon, Col. 7, lines 57-63).

*Conclusion*


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Ranta et al. (US 2002/0119432) – disclose a system for simulating dental procedures for training students.
- Arnold et al. (Virtual Teeth for Endodontics Training and Practice) – disclose a dental training system.
- Shimabukuro et al. (Visualisation and Reconstruction In Dentistry) – disclose a system for providing virtual reality models for reconstruction dentistry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cameron Saadat  
April 1, 2006

  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER